

Name, Address, Telephone No. & I.D. No.

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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA
325 West "F" Street, San Diego, California 92101-6991

In Re

WILLIAM SETH HILL AND KATHLEEN HILL

BANKRUPTCY NO. 09-19516-PB13

Debtor.

**APPLICATION FOR COMPENSATION AND CONFIRMATION OF
CHAPTER 13 PLAN; AND ORDER THEREON**

IT IS ORDERED THAT the relief sought as set forth on the continuation pages attached and numbered two (2) through 3 with exhibits, if any, for a total of 3 pages, is granted.

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DATED: December 30, 2010

Signature by the attorney constitutes a certification under Fed. R. of Bankr. P. 9011 that the relief in the order is the relief granted by the court.

Judge, United States Bankruptcy Court

Submitted by:

Law Office of Bruce R. Babcock
(Firm name)

By: /s/ Bruce R. Babcock
Attorney for Debtor(s)

WILLIAM SETH HILL AND KATHLEEN HILL,

I. APPLICATION FOR CONFIRMATION AND ALLOWANCE OF COMPENSATION:

The undersigned attorney for the above-referenced Debtor(s):

- A. Represents that the Section 341(a) meeting is concluded in this chapter 13 case and that the Debtor(s) Plan, as that term is defined in paragraph II(A) below, complies with Section 1322 and 1325(a) of the Bankruptcy Code.
- B. Represents that a Rights and Responsibility Statement was signed by the Debtor(s) and filed in this chapter 13 case on 1/19/10 and that the fees set forth in paragraph I(C) do not exceed the applicable presumptive guideline fees as established by General Order 173 of this Court.
- C. Represents that the paid and unpaid attorneys' fees and costs in this case are as follows:
- | | |
|--|----------------------|
| 1. The agreed initial fee for attorney services: | \$ <u>2,600.00</u> ; |
| 2. Additional fees not part of initial fee: | \$ <u>450.00</u> ; |
| (Specify referencing any relief from stay or adversary proceeding number as relevant): | |
| 2nd TD lien strip motion fees approved on 10/20/10 | |
| 3. Total fees received to date: | \$ <u>426.00</u> ; |
| 4. Total unpaid balance of fees: | \$ <u>2,624.00</u> ; |
- D. Requests that this Court:
1. Confirm the Debtor(s) Plan; and
 2. Allow fees as set forth in paragraph I(C) above.

II. ORDER CONFIRMING DEBTOR(S) PLAN AND ALLOWING ATTORNEYS FEES

Upon considering the foregoing application, IT IS HEREBY ORDERED THAT:

- A. The debtor(s) plan dated 6/28/10 and, if applicable, as amended by pre-confirmation modification(s) dated 8/19/10 ("Debtor(s) Plan") is confirmed.
- B. Attorneys' fees and costs are allowed as set forth in paragraph I(C) above, and any unpaid fees shall be paid as provided for in the Debtor(s) Plan.
- C. Nothing in this order or the Debtor(s) Plan shall be construed to have issue or claim preclusive effect on any debt nondischargeable under 11 U.S.C. 1328(a) unless a separate order of the court expressly so provides.

Approved as to form and content by Chapter 13 Trustee submission of this Order:

/s/David L. Skelton

WILLIAM SETH HILL AND KATHLEEN HILL

Debtors' William and Kathleen Hill filed a motion on 6/29/10 seeking a determination of value of their residence at 762 Taft Avenue, El Cajon, California and seeking to have the 2nd Trust Deed in favor of CIT/Vericrest stripped from said residence. Having reviewed and considered all papers filed in support of and opposed to such motion, having heard and considered all oral arguments made in support of and opposed to such motion, and good cause appearing therefore, this Court has issued a written Memorandum Decision On Lien Strip and Confirmation Of Plan herein constituting findings of fact and conclusions of law pursuant to Bankruptcy rule 7052 and, in accordance therewith,

IT IS HEREBY ORDERED AND DECREED as follows:

1. Debtor's residence located at 762 Taft Avenue, El Cajon, California, 92020 is valued at \$252,000 or less as of the 12/21/09 Petition date herein;
2. The 2nd Trust Deed against said Debtors' residence held by creditor CIT/Vericrest herein is wholly unsecured at all times relevant herein and is avoided pursuant to 11 U.S.C. §§ 506(a) and 1322b)(2) contingent upon (1) entry of an order of this Court confirming Debtors' Chapter 13 Plan and (2) Debtors' successful completion of their said Plan;
3. Upon Debtors' successful completion of their Chapter 13 Plan and appropriate notice thereof Creditor CIT/Vericrest shall reconvey their subject Trust Deed against said Debtors' residence and shall otherwise take such steps as are required to clear the title of such property from any lien created by said Creditor's subject 2nd Trust Deed;
4. Attorney Bruce R. Babcock is awarded fees of \$450 for the preparation of this motion, with such fees to be added to the order confirming Debtors' Chapter 13 Plan and to be paid by the Trustee from available funds in the Chapter 13 case as an administrative expense; and
5. The claim of CIT/Vericrest shall be deemed allowed as an unsecured claim in the amount of \$78,955.81 unless and until a party in interest objects thereto and such objection is sustained by further order of the Court.

/s/David L. Skelton